

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(January 8, 2008)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the City Council Chambers in the Berkeley Unified School District Administration Building, Berkeley, CA.

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:10 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Gerald Bellows, Director Beverly Johnson and Director John O'Rourke. Director Intintoli led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

Chair Johnson introduced Berkeley Councilmember Laurie Capitelli, who welcomed the board on behalf of Mayor Tom Bates. Mr. Capitelli noted that Berkeley was looking forward to the project moving ahead and that he and many others were excited about the possibility of bringing ferry service to Berkeley.

Chair Johnson then reviewed the christening celebrations held for *Gemini* on December 12, noted the dignitaries who spoke and the success of the christening and open house. She said that *Gemini* was already in service and asked Chief Engineer Mary Culnane for details. Ms. Culnane stated that *Gemini* was currently serving Tiburon on a morning run and anticipated that *Gemini's* service to Alameda and Oakland would begin by the end of January.

Lastly, Chair Johnson noted that Ms. Culnane had resigned. She noted that Ms. Culnane was largely responsible for WETA's first four boats. She thanked her for her service to WTA and WETA and wished her success in her future endeavors.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Jon Stanley updated the board on the status of the Transition Plan, noting that WETA had completed the internal draft Transition Plan on December 31, on schedule. He added that an additional internal staff review was underway with the expectation that WETA would provide the draft to the Core Team in the 3rd week of January, in preparation for a Core Team review meeting the last week of January.

Chair Johnson asked when the board would see the draft. Mr. Stanley proposed a special meeting of this Board the 3rd week in February to brief the Board on the draft and also to commence the 45 day public comment period. He also noted that public meetings to be held in Vallejo, Alameda, and San Francisco would be conducted during this 45 day period and that comments would then be incorporated into the draft Transition Plan. He added that a final draft Transition Plan would then be presented to the Board at the May meeting after which comments

and revisions would be incorporated into a final Transition Plan presentation and adoption at the June meeting.

Mr. Stanley noted that WETA has continued to hold meetings with Vallejo, Alameda and the Ports of Oakland and San Francisco and would continue that dialogue as WETA completes the Plan. He added that he hoped to be meeting individually with board members over the upcoming weeks to provide a brief overview of progress to date and the issues ahead.

Mr. Stanley added that as the Board was already aware, WETA had received a letter from the State Office of Homeland Security Grants Management Division which suspended Proposition 1B funding as of December 15, 2008. He noted that the funding for WETA's lease payment for the South San Francisco terminal project was to come from Prop 1B funds, and that as a result, the project had been placed on hold pending the outcome of the negotiations in Sacramento.

Mr. Stanley pointed out that WETA's Sacramento representative, Barry Broad, was in attendance and had been working with staff to draft legislation to require accelerated allocation of Prop 1B funds to agencies such as WETA once projects are determined to be eligible to receive the grant and added that Fiona Ma had agreed to carry this bill forward for WETA.

Mr. Stanley noted that ANG newspapers had published a piece titled "The Bay Highway" and that copies of the version of the article that appeared in the Oakland Tribune were available at the meeting.

Mr. Stanley closed with acknowledgment and thanks to Mary Culnane for her dedicated service to WTA/WETA over the past eight years. He said that her commitment and professional expertise had served the Authority well and noted the tangible results of her efforts, *Gemini*. On behalf of WETA he wished her "fair winds and following seas" in the future.

5. REPORTS OF STAFF

Mr. Stanley introduced Barry Broad of the firm Broad and Gusman in Sacramento, who gave a State Legislative update regarding the suspension of Proposition 1B funding. Mr. Broad noted that other Prop 1B funding recipients received the same letter. He stated that given the budget crisis in Sacramento there was no way to predict when the funds would be available again, but that should the funds be released, payment should be accelerated thanks to the legislation being introduced by Fiona Ma drafted with assistance of WETA staff. He noted that timing of the bill could be an issue but that ideally it would be passed in August of 2009 and signed in October.

Vice Chair Intintoli asked what would happen to impact WETA's Prop 1B funded projects. Mr. Broad responded that the funds would not be released any time soon. Vice Chair Intintoli said that all parties involved in the projects should be notified and that state representatives should be notified as well. Mr. Broad agreed.

Mr. Broad added that President Elect Obama's plan included an infusion of funding to states for "shovel ready" projects. Director Johnson asked how long it was anticipated that the funds would be held and if other projects were affected. Mr. Broad reiterated that there was no way to know when funding would be restored and that Prop 1B funding was frozen for all recipients.

Chair Johnson then remarked on the schedule of meetings for 2009 and asked where the February Alameda meeting would be held. Mr. Stanley replied that a meeting location was still

to be confirmed but that it would not be held and Bay Ship & Yacht as their facilities were too small.

6. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the minutes from the December 4, 2008 Board of Directors meeting. Director Bellows seconded the motion and the item carried unanimously.

7. ALBANY/BERKELEY ALTERNATIVE FERRY TERMINAL LOCATION STUDY AND RECOMMENDED SITE FOR THE LOCALLY PREFERRED ALTERNATIVE

Manager of Planning and Development John Sindzinski presented this item regarding the receipt of public comments on the draft EIR/EIS (DEIR/EIS) and the formalizing of a recommended site as the locally preferred alternative for Board approval in February 2009.

Mr. Sindzinski reviewed the history of the Albany/Berkeley ferry terminal project and the four alternative sites for the proposed terminal locations along the East Bay waterfront. He noted that the purpose of the agenda item was to consider comments WETA received in response to the 60 day public comment period that ended December 31, 2008 concerning the draft EIR/EIS for the Albany/Berkeley ferry terminal project.

Mr. Sindzinski then reviewed each of the four sites and typical comments received regarding potential impacts at each, as well as possible mitigations for these impacts. He noted that due to suspension of Prop 1B funds, the project would not be able to move into the design stage so this would be an opportune time to consider the sites.

Mr. Sindzinski also noted that the City of Berkeley's Planning Commission had advised WETA that they would strongly prefer the opportunity to meet with WETA staff and provide comments on the project before a preferred site is selected and that WETA supports the request in order to maximize public input and dialogue to help us select the most supportable site for our east shore terminal.

Vice Chair Intintoli asked if the final analysis would include the Albany sites even if they were no longer under consideration. Mr. Sindzinski replied that the WTA board had decided in 2006 to consider all four sites and that that could not be economized at this point. Vice Chair Intintoli noted concern of this many terminal sites for consideration on other WETA projects. Mr. Sindzinski said that this particular project had an unusual number of potential sites and that this was not likely to be an issue in the future.

Public Comment:

Merri Mitchell of Berkeley asked about shuttle busses to the terminal site. WETA counsel Stanley Taylor of Nossaman LLP advised that this time was intended as an open comment period and not a Q&A. Ms. Mitchell asked why she had not previously been aware of the project and was concerned at the degree of public outreach. She reiterated her concern over shuttle busses and asked what WETA's involvement was regarding buses. WETA Community Relations Manager Shirley Douglas responded that WETA was not involved with shuttle busses.

Public Comment:

Jim McGrath of US Windsurfing and San Francisco Board Sailors noted that he was a former Port of Oakland employee and familiar with CEQA requirements. He stated that the Hs Lordships site had significant recreational impacts not addressed in the DEIR/EIS and that parking spaces at Hs Lordships and the Doubletree were under lease and not available to

WETA. He also noted potential conflicts with the Bay Trail. He thanked the Board for the opportunity to comment.

Public Comment:

Larry Tong of the East Bay Regional Parks District noted that while he supports WETA's mission, the two Albany sites are unmitigatable and would face strong opposition if selected. He also expressed concerns regarding the Berkeley Marina site and asked that WETA please work with the EBRPD if chosen.

Public Comment:

Allan Marris noted that he was a former WTA Community Advisory Committee member and noted that all would miss Ms. Culnane. He felt that the DEIR/EIS was insufficient and that parking for the Berkeley sites and traffic speed were substantial concerns not addressed. He also read from a letter which had been submitted in full during the public comment period.

Public Comment:

Paul Kamen of Berkeley Waterfront Commission expressed concerns over operating subsidies, noting that a per trip cost was more meaningful than fare box recovery. He said that infrastructure already exists at Doubletree and Hornblower and that scaling back the plan would be the only way to make it work.

Public Comment:

James McVaney of Berkeley Marina Boaters expressed concern that WETA had not adequately publicized the meeting within the Marina itself. He stated that the marina site was a bad choice and would result in the loss of significant dock space and that no one in the Marina wants a terminal site located there. He said that the Fishing Pier site should be preferred and that it would also have better waterfront views to entice riders. He urged WETA to have a shovel ready.

Public Comment:

Jay Gardener of Adventure Cat said that current ferry technology could not compare with BART on passenger miles per gallon and that an SUV driving across the Bay Bridge had better efficiency. He said that his technology offered a better way via battery electric with wind assist, which would offer 150 passenger miles per gallon. He said it would be ideal for short runs such as the Berkeley service.

Public Comment:

Edward C. Moore of Berkeley noted that all of the sites under consideration were eligible for historic site protections and that the DEIR/EIS was insufficient to meet federal law. He said that the East Bay had the most historically significant waterfront in California and urged a harder look be taken at the sites, noting his written comments previously submitted to WETA during the public comment period.

Public Comment:

Noel Stewart spoke on the history of ferry service on the San Francisco Bay and the decline of the ferry after the bridges were completed. He said that anyone who doubted the viability of ferries system should examine the history of the Key System. He said that WETA has a public duty to restore ferry service and could use historical data to show its usefulness and thanked WETA for its hard work.

After public comments concluded, Vice Chair Intintoli asked for clarification on action to be taken for this item. Mr. Sindzinski said that he asked to be directed to meet with the Berkeley Waterfront Commission.

Vice Chair Intintoli made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

8. ADJOURNMENT

All business having concluded, the meeting was adjourned at 2:50 p.m.

Respectfully Submitted,

Board Secretary
